

Minutes
Veneta City Council
February 11, 2008

Council

Present: Mayor T. J. Brooker, Thomas Cotter, Darrell Carman, Sharon Hobart-Hardin and Marion Esty

Staff:

Brian Issa, Community Services Director; Jerri Moore, Finance Director; Sheryl Hackett, City Recorder; Darci Henneman, Assistant City Recorder; Jerry Elliott, City Engineer; and Jeneca Jones, West Lane News

Mayor Brooker called the Veneta City Council to order at 7:00 p.m.

1. PUBLIC COMMENT

None

2. CONSENT AGENDA

MOTION: Sharon Hobart-Hardin made a motion to approve the Consent Agenda as presented. Darrell Carman seconded the motion. Marion Esty, aye; Mayor Brooker, aye; Darrell Carman, aye; Sharon Hobart-Hardin, aye.

The Consent agenda was approved including Minutes for January 28, 2008, bills paid for January and February 2008 and the public works activity report for January 2008.

Mr. Dunny Sorenson from City County Insurance presented Mayor Brooker with a gold safety award. He said the City of Veneta's public works department had a zero accident frequency for 2007. Mr. Sorenson said this kind of safety record doesn't just happen. It starts from the Administrative and Council level. He said on behalf of the League of Oregon Cities, City County Insurance, he presented the safety award to Mayor Brooker.

Thomas Cotter arrived at 7:05 p.m.

Mr. Lee Kelley, 24987 Bolton Hill Road, Veneta, OR

Mr. Kelley submitted a letter/petition signed by 18 of the property owners effected by the proposed Bolton Hill Road LID project. He said the residents are not in favor of the LID and do not want to hook up to the City sewer. They all felt their current septic systems were in good working order and do not need to be replaced. He said this expense was not one they would have thought of just a few months ago. He asked the Council to please take into consideration their stance on this issue.

3. DEPARTMENT REPORTS

a. FROM MAYOR/COUNCILORS

b. COUNCIL/COMMITTEE LIAISONS

Marion Esty attended the February 4, 2008 Planning Commission meeting. She said the Tree Removal and Landscaping Codes were approved and turned over to the City Council for discussion. Also the Labrador Land Partition was approved.

Mayor Brooker said Sharon Hobart-Hardin will now be the City Council liaison to the Fern Ridge Chamber of Commerce. He said the Council also voted in favor of not having a City Council member act as a liaison to the Planning Commission. Mayor Brooker said this decision was made on the advice from Carrie Connelly, legal counsel.

Thomas Cotter said the pool committee met February 7, 2008 and will meet again February 14, 2008. He said there are several new members coming on board. He will keep the Council updated. He also said the focus of last two meetings has been narrowed to option 2 for the pool replacement. He said this option is for a larger pool that can be covered in the future.

Sharon Hobart-Hardin said the Parks Board met on February 6, 2008. She said the Fern Ridgeopoly game is completed. She said order forms will be made for placing orders. For more information, the Parks Board members can be contacted if anyone is interested in purchasing the game. The cost of the game is \$30. She said there will be a price break for those who donated to the manufacturing of the game. Sharon Hobart-Hardin said proceeds from the sale of the game will go toward ground improvements to the Territorial Sports Park (TSP).

4. STAFF REPORTS

a. FINANCE OFFICER JERRI MOORE
Jerri told Sharon Hobart-Hardin the Fern Ridgeopoly fund is still in the black

- (1) RESOLUTION No. 965 - A RESOLUTION ACCEPTING RESOURCE AND APPROPRIATING EXPENDITURE OF AN OREGON PARKS AND RECREATION DEPARTMENT GRANT FOR THE TERRITORIAL SPORTS FIELDS ACQUISITION PROJECT

MOTION: Sharon Hobart-Hardin made a motion to approve Resolution 965. Darrell Carman seconded the motion which passed with a vote of 5-0.

- (2) RESOLUTION No. 966 - A RESOLUTION ACCEPTING RESOURCE AND APPROPRIATING EXPENDITURE OF A GRANT FROM THE FORD FAMILY FOUNDATION FOR THE TERRITORIAL SPORTS FIELDS ACQUISITION PROJECT
\$47,700

In response to a question from Mayor Brooker, Jerri said the resolutions were required in order for the City to accept the grant funds and negotiate them towards the acquisition of the ball fields.

MOTION: Sharon Hobart-Hardin made a motion to approve Resolution 966. Darrell Carman seconded the motion which passed with a vote of 5-0.

Jerri said the audit work has been completed and submitted to the auditor for his review. She said when she receives the report back from the auditor she will write the management analysis. Jerri said the final report should be expected no more

than 30 days from today, possibly less.

Jerri said there will be one more resolution for a remaining resource from a local donation that will need to be formalized in order for these grant funds to be disbursed.

In response to a question from Thomas Cotter, Jerri said we are not currently in escrow on the TSP fields but we are in negotiations.

- b. COMMUNITY SERVICES DIRECTOR BRIAN ISSA
- (1) Resolution No. 967 - A RESOLUTION ADOPTING THE CITY OF VENETA'S TOTAL MAXIMUM DAILY LOAD (TMDL) IMPLEMENTATION PLAN

Brian said the City, as a Designated Management Agency (DMA), is required to comply with Willamette Basin TMDL order to meet pollutant load allocations for the Upper Willamette sub-basin as adopted by the Oregon Department of Environmental Quality (DEQ) pursuant to the Clean Water Act. The Plan is required to be completed and adopted by March, 2008.

Brian said the City worked with LCOG, DEQ and the Long Tom Watershed Council (LTWC) to draft a TMDL implementation plan which outlines the steps the City will take to reduce transmission of concerned pollutants to surface waters. A draft of the implementation matrix and the TMDL implementation tracking matrix (which represents the bulk of the plan) were brought before the Council in July 2007. Brian said since that time, staff has worked with DEQ representatives to make minor changes to the plan. A public open house was held at the Veneta Community Center as part of the LTWC monthly meeting of November 27, 2007.

Carrie Connelly, legal counsel, recommended the section referring to statewide planning goals be removed to make it clear the adoption of the plan is not a land use decision so the implementation of the document is not based on land use decisions. He said there was a typographical error in the third paragraph of the Resolution. He said it should read "... RESOLVED" not "RECOLVED".

Staff recommended the Council adopt the TMDL Implementation Plan by passing Resolution 967.

In response to a question from Mayor Brooker, Brian said the motion should indicate adoption of Resolution 967 after removal of "findings of statewide planning goals".

In response to questions from Thomas Cotter, Brian said DEQ will be checking periodically to see if the City, as the DMA, is complying with the plan or if things change. He said the City is required to provide a tracking report to DEQ every five years. Brian said the LTWC will be checking water samples of the Long Tom River. A representative of the LTWC indicated they would look into installing

check stations up and downstream from Veneta. He said if the LTWC comes up with a monitoring strategy we will help implement it.

In response to a question from Thomas Cotter, what was Carrie's reasoning for removing the land use decision language, Brian said some decisions are based on individual land use issues. He said sewer systems fall within the Facilities Plan. Carrie felt land use decision language and those that fall under it should stay land use decisions. Brian said Carrie made this recommendation for all the cities she counsels, not just Veneta.

Darrell Carman asked if approved tonight, will it hamper the other agenda item (Bolton Hill Road LID). In response, Brian felt it would not hamper the Council's decision tonight.

Sharon Hobart-Hardin suggested rephrasing the septic system action language in the matrix to allow the Council the ability to give longer extensions of time to connect.

MOTION: Thomas Cotter made a motion to approve Resolution 967 to include the specific changes discussed. Sharon Hobart-Hardin seconded the motion which passed with a vote of 5-0.

- (2) Acceptance of the Deed for Perkins Road
Brian said the Deed from Chester and Leona Keith is for a small rectangular portion of their property located on the west side of Territorial Road where Perkins Road extends west to the first phase of the Applegate Landing Subdivision. He said as a requirement of the approach permit from ODOT to connect Perkins Road to Territorial Road, the developer of Applegate Landing is required to construct an extension of the sidewalk to connect the existing sidewalk on Territorial Road to the sidewalk being constructed on Perkins Road. The sidewalk would curve and cross the southeast corner of the Keith property.

Staff is recommending the Council authorize Mayor Brooker to sign the Acceptance of the Street Deed from Chester and Leona Keith.

MOTION: Darrell Carman made a motion to authorize Mayor Brooker sign the Acceptance of the Street Deed from Chester and Leona Keith. Sharon Hobart-Hardin seconded the motion which passed with a vote of 5-0.

- (3) Options for Bolton Hill Road LID Project
 - (a) Extension of time to connect
Brian referred to VMC chapter 13.10.350 which states the Council has the discretion to allow an extended period before requiring connections. He said staff believes this section of the VMC could be interpreted that the requirement to connect begins upon an "official notice" given to property owners.

He said in the past, many property owners who paid assessments for the installation of sewer lines were not required to connect for many years. He said some residents were even denied connection to the City sewer when the City declared a moratorium because of inadequate capacity.

He said after an "official notice" is given, certain criteria is used to determine whether an extension shall be granted. That criteria includes 1) Size and elevation of the lot, 2) Condition of the private disposal system, 3) Length of the extension requested; and 4) Other criteria the Council may deem appropriate after consulting with the City Engineer and/or Public Works Superintendent.

Brian said staff felt the Council could use the same criteria to set an alternate time frame for connection. He said many Bolton Hill Road residents testified at the public hearing that they have not experienced problems with their septic systems and the LID project was initiated by the City as a result of the Lane County road project and not as a direct result of known septic failures in the area.

Brian said the assessment costs are quite high and the majority of the property owners are not in favor of the LID. Staff recommended requiring the property owners enter into an extension agreement with the City to be recorded with Lane county Deeds and Records.

Staff recommended the Council approve a 10 year extension of time to connect to the Bolton Hill Road sewer line subject to the property owners entering into an agreement what would require connection upon development of any additional lots/or housing units or upon documented failure of a septic system with a provision that the property owner will pay the Systems Development charges and sewer connection charges in effect at the time the connection is made.

All Councilors agreed that prior to granting an extension, a property owner should be required to have a state licensed septic system installer inspect the affected septic systems to see if they are in good working order. It was also suggested that language be included in the extension agreement that the septic systems have been inspected by a licensed septic system installer that the systems are in fact operating properly. It was also agreed to that even though the City is allowing the hook up extension, the property owners will still be assessed their portion of the LID.

In response to a question from Darrell Carman, if property owners would be required to immediately hook up if the property changed hands, i.e., sold, inherited, Sheryl said if the extension agreement is recorded with Lane County, it would show up on the title report; however, buyers don't always read the recorded agreements.

Mayor Brooker felt the ordinance clearly states property owners have 12 months to hook up. He felt the extension period should not be extended past that period. He said if the property is sold within the first year, the new owner has the remaining period to hook up. He said the hook up period should not be extended because the City needs to do everything we can to ensure the quality of our water, comply with the requirements for watershed protection and provide City services to those who live within the City limits. Mayor Brooker does not want septic systems to continue in the City for an indefinite period of time.

There was much discussion whether the extension period should transfer to a new owner if any subject property was sold within 10 years. It was agreed the City staff would need some kind of notification of the properties changing hands in order to enforce a hook up.

Darrell Carman and Thomas Cotter felt it shouldn't make a difference who owns the house as long as the connection was completed within the 10 year extension period. Darrell Carman voted against the LID. He felt the City should take more time to decide if the project needs to be done now. He said maybe the project should be postponed for 10 years.

Thomas Cotter suggested a five year extension period. He said if a 10 year extension was approved, property owners should be required to have yearly inspections and certify their systems are operating properly. Brian said there is language in the Resolution requiring periodic septic system inspections but nothing about having systems certified.

Thomas Cotter felt because the assessments are quite high, extending the hook up period to five years would give residents some relief in paying for their individual hook ups. Sharon Hobart-Hardin agreed.

Sharon Hobart-Hardin said the City is only doing this LID project because of the County's project. She said combining the projects will decrease the costs. She said it's not mandatory the City complete this project if the County backs out of their LID project. She was in favor of a 10 year extension. She said residents need a little time to prepare themselves for meeting all the financial obligations associated with hooking up to City sewer. She felt the extension should be granted because Bolton Hill Road residents felt the project was sprung on them with short notice.

Darrell Carman wasn't sure how to vote. Thomas Cotter said that surprised him because they both spent so much time working with the LID sub-committee. There was much discussion on the issue. Thomas Cotter said it's not 100% the County will proceed with their LID. Mayor Brooker said the City will not move forward without the County. Brian said the City can abandon the LID at any time.

MOTION: Thomas Cotter made a motion to approve a five year extension of time to connect to the Bolton Hill Road LID. Property owners will be required to have their septic systems inspected by a licensed septic system installer to certify their systems are in proper working condition prior to entering into an extension agreement with the City of Veneta. The extension agreements will be recorded with Lane County Deeds and Records. Sharon Hobart-Hardin seconded the motion.

There was much discussion over why the hook up period should be extended for this group of residents. Past LIDs did not offer an extended hook up period to affected residents. Currently, individual residents have presented requests for extensions to the Council and they have been granted. Mayor Brooker felt in order to not set a precedence, the Council should specify why a wholesale extension is being granted.

In response to a question from Jeneca Jones, Brian said the County assessment for Mr. Lee Kelley's property will be approximately \$3,300. He said the City's assessment is approximately \$5,000 to \$8,000 per unit, the City's assessment fees are as follows: \$3,500 in SDC and sewer hook up fees; \$1,500 for individual hook up fees (from the street to the residence); and \$500 for back filling the existing septic system. Brian said these figures are estimates only. Brian said the City will pay for the sewer line installation in the street, including the stubs to each lot. He said residents will be required to pay for the individual hook up fees to an independent contractor.

VOTE: 2-3, Marion Esty, Darrell Carman and Mayor Brooker, voted no.

Mayor Brooker polled the Council. Darrell Carman said he voted no because he still isn't in favor of the project.

Marion Esty agreed with Darrell Carman.

Mayor Brooker felt the hook up period should not be extended. He said in the past, extensions have been granted on a case by case basis providing the property owner has legitimate reasons why the extension should be granted.

Jerry Elliott said as of February 8, 2008 there have been no scheduled delays in the County's project. He said they are anticipating going to bid in early March. He said the Council approved the City's LID project and until we have a motion to abandon the LID process, the City will move forward with the project.

Thomas Cotter took a few minutes to explain to Marion Esty that tonight Councilors need to decide if the hook up period for residents should be

extended.

MOTION: Darrell Carman made a motion to adhere to the Resolution and not extend the hook up period past 12 months. Thomas Cotter seconded the motion, which failed with a vote of 1-4, Sharon Hobart-Hardin, Darrell Carman, Thomas Cotter, Marion Esty voted "no".

In response to a question from Joan Mariner, Mayor Brooker said the amount of staff time involved with processing individual requests for extensions is minimal.

Jerry Elliott said septic systems are installed and inspected by the county sanitarian, who does not revisit a site once the system is approved. He said there is no Oregon statutory obligation to have the septic system installer revisit the site. He said the DEQ regulates licensed septic tank haulers to inspect septic systems; however, the inspection does not include monitoring for leaching of the system. Inspections are done by measuring sludge, checking for blocked lines and visual inspection for standing water over a drain field. He said that is the "certification". He said some states require monitoring water and nitrate levels when dealing with septic systems; the state of Oregon does not.

MOTION: Marion Esty made a motion to extend the hook up period to 10 years. Darrell Carman seconded the motion which failed with a vote of 2-3, Thomas Cotter, Sharon Hobart-Hardin and Darrell Carman voted "no".

As a result of the failed motions, the Council took no action to grant an extension for all properties in the Bolton Hill Road LID. They will continue to follow the existing Veneta Municipal Code and extensions beyond 12 months will be considered on a case by case basis.

- (b) Re-evaluation of potential units
Brian said at the January 28, 2008 Council meeting, based on public testimony, Council asked staff to review the number of potential lots some residents were being assessed. Brian said Sheryl, Jerry, Ric, Kyle and himself worked a thorough analysis to see if they had the right number of hook ups. He said based on an analysis of aerial photos, topographic information and current land division regulations, it appeared that potential number of connections on Bolton Hill Road sewer may have been overestimated.

Brian said staff used some more specific criteria in re-evaluating the number of potential lots: 1) Access to rear lots required a minimum of 25 ft. between the existing home and the property line. 2) Detached structures and carports could be removed to allow access. 3) No removal of existing homes was assumed. 4) Lots taking access from a future extension of

Meadowdale would also take sewer access from Meadowdale (confirmed by the City Engineer). 5) Potential lots with substantial area outside the LID are will take sewer from the north. 5) Lot 1100 was removed because it's already connected via an eight inch sub from Territorial Road.

Brian said based on this analysis, the overall number of potential connections was reduced from 20 to 13. The overall cost of construction did not change; therefore, by using the new number of assessments the lot cost for the lower section of the LID (Territorial Road to 5th Street) increased from \$5,53751 to \$8,596.16.

Brian said the number of potential connections in the upper section of the LID (5th Street to Dogwood Lane) increased by one when it was determined that tax lot 1100 had the potential for six lots, all of which would take sewer from Bolton Hill due to grades. He said this caused the per lot assessment to decrease from \$5,374.78 to \$5,175.72.

Jerry Elliott reported the new overall project cost estimates have also been reduced and will affect the per lot costs.

Brian said staff is currently working with legal counsel to determine what measures the City would have to take in terms of public process in order to use these new numbers. Until the assessment ordinance is passed, the number of potential units can change.

Mayor Brooker confirmed with staff that a motion or recommendation is not required at this time. Brian said residents have not been notified of this change in assessments or costs.

In response to a question from Thomas Cotter, the VMC states staff should use the most fair and equitable method for assessments. Brian said if we used a "one size fits all" criteria for every LID, we could lose sight of the "fair and equitable method". He said every LID is different.

Jerry Elliott said the LID ordinance was revised because residents felt the old ordinance wasn't fair and equitable. He said the new process allows staff to make assessments more fair and equitable.

(c) Proposal to remove Schoening property from project

Brian said following the January 28, 2008 City Council meeting, Jerry Elliott met with Mr. Schoening (tax lot 200) to review alternatives to the estimated \$40,000 plus connection fee required to provide sewer hook ups to his lot. Jerry Elliott recommended Mr. Schoening negotiate with his neighbors to the east to purchase a sewer easement that can be transferred to the City. Jerry indicated to Mr. Schoening if he could successfully negotiate, record and transfer the easement to the City, the City would accept the alternative

route for sewer service to his lot. Jerry said the subject easement would only be 10 ft. wide because the existing homes are setback from the property line by five ft. He said after reviewing this with the Public Works Superintendent, it was determined a 10 ft. easement is acceptable because the pipe run is less than 120 ft. and few utility conflicts exist. He said a stronger pipe and more rigorous compaction standards will be required to minimize the potential for repairs.

In response to a question from Thomas Cotter, Jerry Elliott said even if the County or the City postponed their LID project indefinitely, the easement would still be deeded to the City for future sewer line installation.

Jerry Elliott said Mr. Schoening has been pursuing the easement from his neighbor. He said if the City or the County didn't go through with their respective LID projects, Mr. Schoening wants assurances he will eventually get City sewer hook ups to his property.

In response to a question from Darrell Carman, Brian said the City would be designing the portion of sewer line to be constructed within the easement to follow City standards.

MOTION: Darrell Carman made a motion to allow the Schoening property to opt out of the Bolton Hill Road LID project with the condition that Mr. Schoening deed a sewer line easement to the City of Veneta. Such sewer line will be subject to the City Engineer standards. Sharon Hobart-Hardin seconded the motion which passed with a vote of 5-0.

- (d) Finance Options - Jerri Moore
Jerri Moore provided financing options for the Bolton Hill Road LID project. She said the City is researching a loan or bond for the project. She said currently, interest rates are at 4.5% or lower. She said based on further economic information, there is reasonable expectations the interest rates will not increase drastically.

c. CITY RECORDER SHERYL HACKETT

(1) Comspan Lease Agreement

Sheryl said Comspan provided a lease agreement for Ric Ingham to sign, on behalf of the City. The lease agreement has been reviewed by legal counsel. She said Comspan will be providing a fiber optic network system for City residents and businesses. Comspan is proposing to lease a site adjacent to the cell tower at the public works yard on East Broadway. She said the termination paragraph in the lease was revised to allow the City to terminate the lease if any payments are delinquent. She said there was some concern with signing a lease with Comspan that committed the City for 20 years. However, Kyle and Ric agreed because the fiber optic lease site is at the East Broadway public works yard, it is very unlikely the City will sell the property and pointed out the City is negotiating for more

property that will expand that site.

Staff requested the Council make a motion to authorize Ric to sign the lease agreement on behalf of the City after he talks with Russell Poppe about the concern over a 20 year commitment.


MOTION: Thomas Cotter made a motion to approve Ric Ingham, City Administrator, on behalf of the City of Veneta, to sign the Lease Agreement with Comspan to include the advisory information Sheryl Hackett referred to. Sharon Hobart Hardin seconded the motion which passed with a vote of 5-0.


7. OTHER

Sheryl Hackett said Jenny Ramsey, on behalf of the Explorer's Club, Veneta Elementary and 21st Century Learning Center, invited the City Council to participate in "On the Horizon", a community discussion about after school opportunities for youth in our community. The event will be February 28, 2008 from 6:30 to 8:00 p.m. at Veneta Elementary. Sheryl reminded the Council if there is a quorum at any public function, Councilors must be cautious about not participating in any discussions that could affect City business.

8. ADJOURN

Mayor Brooker adjourned the City Council at 9:10 a.m.



Mayor T. J. Brooker

Darci Henneman, Assistant City Recorder